



INTERNATIONAL TRADE COMMISSION

Investigation Nos. TA-131-036 and TA-2104-028

**U.S.-Trans-Pacific Partnership Free Trade Agreement Including Canada and Mexico:
Advice on the Probable Economic Effect of Providing Duty-Free Treatment for Imports**

AGENCY: United States International Trade Commission.

ACTION: Institution of investigations and scheduling of hearing.

SUMMARY: Following receipt on July 19, 2012, of a request from the United States Trade Representative (USTR), the Commission instituted investigation nos. TA-131-036 and TA-2104-028, *U.S.-Trans-Pacific Partnership Free Trade Agreement Including Canada and Mexico: Advice on the Probable Economic Effect of Providing Duty-Free Treatment for Imports*.

DATES:

August 30, 2012: Deadline for filing requests to appear at the public hearing.

August 31, 2012: Deadline for filing pre-hearing briefs and statements.

September 12, 2012: Public hearing.

September 17, 2012: Deadline for filing post-hearing briefs and statements.

September 19, 2012: Deadline for filing all other written submissions.

November 19, 2012: Transmittal of Commission report to the USTR.

ADDRESSES: All Commission offices, including the Commission's hearing rooms, are located in the United States International Trade Commission Building, 500 E Street SW, Washington, DC. All written submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW, Washington, DC 20436. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://www.usitc.gov/secretary/edis.htm>.

FOR FURTHER INFORMATION CONTACT: Douglas Newman, Project Leader (202-205-3328 or douglas.newman@usitc.gov), or Kyle Johnson, Deputy Project Leader (202-205-3229 or kyle.johnson@usitc.gov), for information specific to these investigations. For information on the legal aspects of these investigations, contact William Gearhart of the Commission's Office of the General Counsel (202-205-3091 or william.gearhart@usitc.gov). The media should contact Margaret O'Laughlin, Office of External Relations (202-205-1819 or margaret.olaughlin@usitc.gov). Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202-205-1810. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000.

BACKGROUND: In his letter of July 19, 2012, the USTR advised the Commission that Canada and Mexico have joined the negotiations, known as the Trans-Pacific Partnership (TPP) negotiations, and requested that the Commission provide certain advice under section 131 of the Trade Act of 1974 (19 U.S.C. 2151) and an assessment under section 2104(b)(2) of the Trade Act of 2002 (19 U.S.C. 3804(b)(2)) with respect to the effects of providing duty-free treatment for imports from all ten countries.

More specifically, the USTR, under authority delegated by the President and pursuant to section 131 of the Trade Act of 1974, requested that the Commission provide a report containing its advice as to the probable economic effect of providing duty-free treatment for imports of products from the ten TPP partner countries (Australia, Brunei Darussalam, Canada, Chile, Malaysia, Mexico, New Zealand, Peru, Singapore, and Vietnam) on (i) industries in the United States producing like or directly competitive products, and (ii) on consumers. The USTR asked that the Commission's analysis consider each article in chapters 1 through 97 of the Harmonized Tariff Schedule of the United States (HTS) for which tariffs will remain, taking into account implementation of U.S. commitments in the World Trade Organization and under U.S. free trade agreements that the United States has with a TPP country. The USTR asked that the

advice be based on the HTS in effect during 2011 and trade data for 2011. The USTR also requested that the Commission, in preparing its advice, assume that any known U.S. non-tariff barrier will not be applicable to such imports, and that the Commission note in its report any instance in which the continued application of a U.S. non-tariff barrier would result in different advice with respect to the effect of the removal of the duty.

In addition, the USTR requested that the Commission prepare an assessment, pursuant to section 2104(b)(2) of the Trade Act of 2002, of the probable economic effects of eliminating tariffs on imports from the TPP countries of those agricultural products on the list attached to his letter on (i) industries in the United States producing the product concerned, and (ii) the U.S. economy as a whole. The USTR's request and list of agricultural products are posted on the Commission's website at <http://www.usitc.gov>.

The USTR asked that the Commission identify in its report, among other things, any changes in its advice from the advice delivered on January 7, 2011, that did not include Canada and Mexico. The USTR also stated that the Commission need not repeat analysis and discussion included in that earlier report.

As requested, the Commission will provide its report to the USTR by November 19, 2012. The USTR indicated that those sections of the Commission's report that relate to the advice and assessment of probable economic effects will be classified. The USTR also indicated that he considers the Commission's report to be an inter-agency memorandum that will contain pre-decisional advice and be subject to the deliberative process privilege.

This is the third such request that the Commission has received from the USTR with respect to the TPP negotiations. In response to an earlier request by the USTR after Malaysia joined the negotiations, the Commission delivered a report to the USTR on January 7, 2011, containing its advice and assessment in investigation Nos. TA-131-035 and TA-2104-027, *U.S.-Trans-Pacific Partnership Free Trade Agreement Including Malaysia: Advice on Probable Economic Effect of Providing Duty-Free Treatment for Imports*

after Malaysia joined the negotiations, providing certain advice on the effects of providing duty-free treatment for imports for the eight countries.

In response to another request from the USTR, the Commission, on June 2, 2010, delivered a report to the USTR containing its advice and assessment in investigation Nos. TA-131-034 and TA-2104-026, *U.S.-Trans-Pacific Partnership Free Trade Agreement: Advice on Probable Economic Effect of Providing Duty-Free Treatment for Imports*, relating to the effects of a possible free trade agreement with seven countries (Australia, Brunei Darussalam, Chile, New Zealand, Peru, Singapore, and Vietnam).

PUBLIC HEARING: A public hearing in connection with these investigations will be held at the U.S. International Trade Commission Building, 500 E Street SW, Washington, DC, beginning at 9:00 a.m., September 12, 2012. Requests to appear at the public hearing should be filed with the Secretary not later than 5:15 p.m., August 30, 2012. All pre-hearing briefs and statements should be filed not later than 5:15 p.m., August 31, 2012; and all post-hearing briefs and statements should be filed not later than 5:15 p.m., September 17, 2012. All briefs should be filed in accordance with the requirements in the “Submissions” section below.

WRITTEN SUBMISSIONS: In lieu of or in addition to participating in the hearing and filing briefs and statements relating to the hearing, interested parties are invited to file written submissions concerning these investigations. All written submissions should be addressed to the Secretary, and should be received not later than 5:15 p.m., September 19, 2012. All written submissions must conform with the provisions of section 201.8 of the Commission’s *Rules of Practice and Procedure* (19 C.F.R. 201.8). All written submissions must conform to the provisions of section 201.8 of the Commission’s Rules of Practice and Procedure (19 C.F.R. 201.8). Section 201.8 and the Commission’s Handbook on Filing Procedures require that interested parties file documents electronically on or before the filing deadline and submit eight (8) true paper copies by 12:00 noon eastern time on the next business day. In the event that confidential treatment of a document is requested, interested parties must file, at the same time as the

eight paper copies, at least four (4) additional true paper copies in which the confidential information must be deleted (see the following paragraph for further information regarding confidential business information). Persons with questions regarding electronic filing should contact the Secretary (202-205-2000).

Any submissions that contain confidential business information must also conform with the requirements of section 201.6 of the *Commission's Rules of Practice and Procedure* (19 C.F.R. 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the "confidential" or "non-confidential" version, and that the confidential business information be clearly identified by means of brackets. All written submissions, except for confidential business information, will be made available for inspection by interested parties.

The Commission may include some or all of the confidential business information submitted in the course of the investigations in the report it sends to the USTR. The Commission will not otherwise publish any confidential business information in a manner that would reveal the operations of the firm supplying the information.

By order of the Commission.

Lisa R. Barton
Acting Secretary to the Commission

Issued: August 6, 2012